

REMARKS

In response to the Official Action of November 28, 2008, claims 1-10 have been amended and claim 11 is newly presented. Support for the amendment to the claims is found in the original application as filed, including Figures 1-4 and the accompanying description in the specification, including page 6, line 26 through page 9, line 10. The amendment to the claims is to present elements in non-means plus function terminology and to remove reference numerals.

Newly submitted claim 11 corresponds to claim 1 as originally filed, but without reference numerals. No new matter is added.

Claim Rejections - 35 USC §103

At pages 2-13, claims 1-10 are rejected under 35 USC §103(a) as anticipated (suggested) in view of US patent 5,733,674, Law, et al (hereinafter Law), further in view of US patent 6,117,575, Dinsdale.

With respect to claim 1, the Office asserts that Law teaches a battery holder for an electronic device comprising an outer surface, means for receiving at least one exchangeable battery at a side opposite to said outer surface and means for connecting said battery holder releasably to an electronic device and that the outer surface of the battery holder forms part of the outer surface of the electronic device. The Office goes on to state that Law does not teach that the electrical contact elements of the at least one battery received by said battery holder come in contact with the electrical elements of said electronic device. However, the Office asserts that Dinsdale teaches a battery holder wherein the electrical contact elements of at least one battery could come into direct contact with the electronic device through a pair of cutouts as illustrated in Figure 9 of Dinsdale.

The Office further asserts that the use of a direct electrical contact elements in Dinsdale combined with the battery holder of Law is a simple substitution of one known element for another to obtain predictable results. Applicant respectfully disagrees.

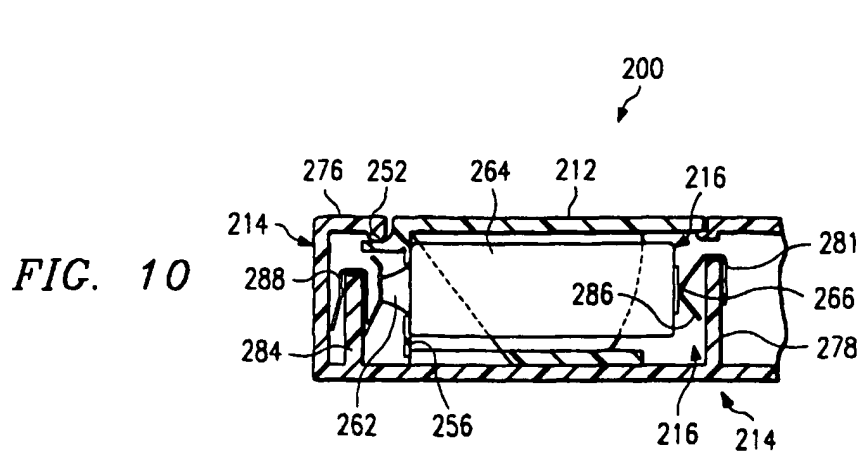
The Office concedes that Law does not teach that the *electrical contact elements of the at least one battery received by said battery holder come into contact with the electrical elements of said electronic device* as required by claim 1. The office asserts that this feature is considered to be known from Dinsdale, Figure 9. This estimation is contested.

Dinsdale presents two embodiments of a battery holding and contact apparatus, a first one in Figures 1-8 and a second one in Figures 9-10 (see column 2, lines 47-55).

For the second embodiment, the complete battery holding and contact apparatus 200 is shown in Figure 10. It comprises a battery compartment 214 and a door 212

(Dinsdale, column 2, lines 58-59).

Figure 9 presents only the door 212 of this battery holding and contact apparatus 200 of Figure 10. As can be seen in Figures 9 and 10, the cutouts 258, 260 in the door 212 just enable a contact 262 of batteries to contact a contact clip 288 within the battery holding and contact apparatus 200. Only contact clip 288 of the battery holding and contact apparatus 200 provides the contact to the electronic device.



This is also clear from the description of Figures 1-2, to which the description of Figure 10 refers as follows: "*Other features, such as hinge edge 252 and clip tap 284 with contact clip 288 are substantially the same as associated features of apparatus 10.*" (column 5, lines 48-51). The description of apparatus 10 states in column 3, lines 66- column 4, line 1: "*As shown in FIG. 1, appropriate wiring 90 may be attached to contact clips 86 and 88 to provide electrical power to a device (not shown).*" Thus, it is clearly the contact clip 88 of apparatus 10 or the contact clip 288 of apparatus 200 that makes the contact to the electronic device, and there is no contact between electrical contact elements of a battery and electrical contact elements of the electronic device as required by claim 1.

Also as a general statement, it is pointed out in column 2, lines 47-49 of Dinsdale that the battery compartment with a door is provided for holding a battery and providing electrical contact to a device, therefore a person of ordinary skill in the art has no incentive to provide a direct contact between the battery and the electronic device.

Dinsdale therefore fails to address the advantage of claim 1, which provides an easy way for a user to access and remove a battery from an electronic device because the outer cover and the battery holder are effectively integral. In Dinsdale the assumption based on the specification is that the user would first remove a cover of an electronic device and then access the battery compartment by removing a further cover e.g. 12.

Given that Law and Dinsdale fail to disclose all of the elements of claim 1 also when considered in combination, claim 1 is novel and non obvious in light of these two references.

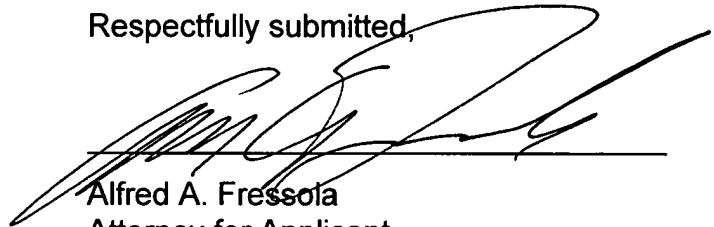
For similar reasons, independent claim 11 which corresponds to claim 1, but written using means plus function terminology as presented in original claim 1 is also neither disclosed nor suggested by Law in view of Dinsdale.

Since claim 1 is believed to be distinguished over the cited art, it is respectfully submitted that dependent claims 2-10 are also distinguished over the cited art at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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